

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BETTY HERRICK,

Plaintiff,

v.

MERCK & CO. INC.,

Defendant.

No. 05-CV-0508-DRH

ORDER

HERNDON, District Judge:

Pending before the Court is Merck's July 21, 2005 motion to stay all proceedings. (Doc. 4.) Specifically, Merck moves the Court to stay this action pending transfer to ***In re Vioxx Products Liab. Litig., (MDL) No. 1657***. As of this date, Plaintiff has not responded to the motion. Pursuant to **LOCAL RULE 7.1(g)**, the Court considers this failure an admission of the merits of the motion.¹ Moreover,

¹"A party opposing such a motion shall have **ten (10) days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **LOCAL RULE 7.1(g)**.

a Conditional Transfer Order was entered in this case on September 9, 2005, indicating that transfer to the MDL is pending. Thus, the Court **GRANTS** Merck's motion to stay (Doc. 4). The Court **STAYS** this matter pending its transfer to the MDL.

IT IS SO ORDERED.

Signed this 29th day of September, 2005.

/s/ David RHerndon
United States District Judge